

## **Rule 1020-1**

### **CHAPTER 11 SMALL BUSINESS CASES -- GENERAL**

**[Abrogated]**

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#### ***Notes of Advisory Committee***

##### ***1998 Amendment***

On December 1, 1997, amendments to the Federal Rules of Bankruptcy Procedure added new Rule 1020, entitled "Election to be Considered a Small Business in a Chapter 11 Reorganization Case." This new rule was made necessary by the amendments to the Bankruptcy Code included in the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394. The Court had adopted Local Rule 1020-1 in 1995 as an interim matter pending amendment of the Federal Rules of Bankruptcy Procedure. The local rule is now abrogated as duplicative of national rule.

This amendment is effective on October 15, 1998.

##### ***1997 Amendment***

This amendment conforms the existing Local Rules to the uniform numbering system prescribed by the Judicial Conference of the United States and to the model system suggested and approved by the Advisory Committee on Bankruptcy Rules of the Judicial Conference's Committee on Rules of Practice and Procedure. In renumbering the Local Rules to conform to the uniform numbering system, no change in substance is intended. This amendment is effective on April 15, 1997.

This rule was formerly Local Rule 3.04B(a). The Advisory Committee Notes to the superseded rules may be helpful in interpreting and applying the current rules.

##### ***1995 Note<sup>3</sup>***

This rule is designed to implement §§ 1121(e) and 1125(f) that were added to the Code by the Bankruptcy Reform Act of 1994. These amendments are applicable in cases commenced on or after October 22, 1994.

If the debtor is a small business and has elected under § 1121(e) to be considered a small business, § 1125(f) permits the court to conditionally approve a disclosure statement subject to final approval after notice and a hearing. If a disclosure statement is conditionally approved, and no timely objection to the disclosure statement is filed, it is not necessary for the court to hold a hearing on final approval.

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<sup>3</sup>This is Suggested Interim Bankruptcy Rule 2 drafted by the Advisory Committee on Bankruptcy Rules of the Committee on Rules of Practice and Procedure of the Judicial Conference of the United States. The committee has recommended the adoption of this interim rule as a local rule pending revision of the Federal Rules of Bankruptcy Procedure to conform to, and implement, the Bankruptcy Reform Act of 1994, Pub. L. No. 103-394. The Court adopted this rule effective February 15, 1995. The text of the note was drafted by the committee.